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8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 OAKLAND DIVISION

11 UNITED STATES OF AMERICA,)	No. CR-12-00495 SBA
)	
12 Plaintiff,)	ORDER GRANTING STIPULATED
)	REQUEST TO SET CHANGE OF PLEA
13 v.)	AND SENTENCING ON NOVEMBER 13,
)	2012 AND TO EXCLUDE TIME UNDER
14 MICHAEL LAMONT AVERY,)	THE SPEEDY TRIAL ACT
)	
15 Defendant.)	Date: August 30, 2012
)	Time: 9:30 a.m.
16)	Court: Hon. Kandis A. Westmore
)	
17)	

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19 The parties jointly requested that the August 30, 2012 status hearing as to defendant

20 Michael Lamont Avery be vacated and that this matter be set for change of plea and sentencing

21 on November 13, 2012 at 10:00 a.m. The parties further requested that time be excluded under

22 the Speedy Trial Act between August 15, 2012 and November 13, 2012 to allow time for the

23 Court to consider the proposed plea agreement to be entered into by the defendant and the

24 attorney for the government, and to allow time for the preparation of a Presentence Investigation

25 Report by the United States Probation Office. Defendant agreed that the Court may review the

26 pre-plea Presentence Investigation Report even though he has not yet pleaded guilty. Good

27 cause appearing therefor, and pursuant to 18 U.S.C. § 3161(h)(1)(G),

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1 **IT IS HEREBY ORDERED** that this matter is set for change of plea and sentencing on
2 November 13, 2012 at 10:00 a.m., and that time between August 15, 2012 and November 13,
3 2012 is excluded under the Speedy Trial Act, and specifically pursuant to 18 U.S.C. §
4 3161(h)(1)(G), for consideration by the Court of a proposed plea agreement to be entered into by
5 the defendant and the attorney for the government.

6 **IT IS FURTHER ORDERED** that the United States Probation Office shall prepare a
7 Presentence Investigation Report.

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9 DATED: __8/20/12


HON. SAUNDRA BROWN ARMSTRONG
United States District Court Judge